

AMENDED IN SENATE JUNE 9, 1998  
AMENDED IN ASSEMBLY MARCH 30, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2612**

**Introduced by Assembly Member Migden**

February 23, 1998

---

---

An act to amend Section 113996 of the Health and Safety Code, relating to retail food facilities, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2612, as amended, Migden. Retail food facilities.

Existing law, the California Uniform Retail Food Facilities Law, administered by the State Department of Health Services, establishes uniform health and sanitation standards for retail food facilities, as defined. The law requires the State Department of Health Services to adopt regulations to implement and administer those provisions, and delegates primary enforcement duties to local health agencies. Violation of the California Uniform Retail Food Facilities Law and regulations adopted pursuant thereto is a crime.

Existing law requires that all potentially hazardous food be held at or below or kept at or above certain temperatures at all times, with certain exceptions.

Existing law requires that all ready-to-eat foods prepared at the food facility from raw or incompletely cooked animal tissues be thoroughly cooked prior to serving, as prescribed,

with certain exceptions for ready-to-eat foods made from or containing eggs, comminuted meat, or single pieces of meat, including fish and seafood, when the consumer specifically orders that these foods be individually prepared less than thoroughly cooked.

This bill would, in addition, provide that a ready-to-eat food containing a raw or less than thoroughly cooked egg as an ingredient, including, but not limited to, a salad dressing or sauce, may be served if the facility notifies the consumer, either orally or in writing, that the food contains that ingredient, and the consumer does not object to the preparation.

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 113996 of the Health and Safety
- 2 Code is amended to read:
- 3 113996. (a) All ready-to-eat foods prepared at the
- 4 food facility from raw or incompletely cooked animal
- 5 tissues shall be thoroughly cooked prior to serving. For
- 6 purposes of this subdivision, food shall be thoroughly
- 7 cooked if it conforms to the following requirements,
- 8 except as specified in subdivision (b):
- 9 (1) Comminuted meat or any food containing
- 10 comminuted meat shall be heated to a minimum internal
- 11 temperature of 69 degrees Celsius (157 degrees
- 12 Fahrenheit), or an optional internal temperature of 68
- 13 degrees Celsius (155 degrees Fahrenheit) for 15 seconds.
- 14 (2) Eggs and foods containing raw eggs shall be heated
- 15 to a minimum internal temperature of 63 degrees Celsius
- 16 (145 degrees Fahrenheit).
- 17 (3) Pork shall be heated to a minimum internal
- 18 temperature of 68 degrees Celsius (155 degrees
- 19 Fahrenheit).
- 20 (4) Poultry, comminuted poultry, stuffed fish, stuffed
- 21 meat, stuffed poultry, and any food stuffed with fish,



1 meat, or poultry shall be heated to a minimum internal  
2 temperature of 74 degrees Celsius (165 degrees  
3 Fahrenheit).

4 (b) When foods containing raw or incompletely  
5 cooked animal tissues specified in this section are  
6 prepared in a microwave oven, they shall be heated at a  
7 minimum internal temperature of 14 degrees Celsius (25  
8 degrees Fahrenheit) above the minimum temperatures  
9 specified in subdivision (a). During microwaving, the  
10 food shall be completely enclosed in a container and  
11 periodically stirred or rotated to assure even heat  
12 distribution. Upon the completion of microwaving, the  
13 enclosed food shall be left standing for a minimum of two  
14 minutes to assure temperature equilibrium. This  
15 subdivision does not apply to the heating of ready-to-eat  
16 cooked foods or the defrosting of food items.

17 (c) (1) Ready-to-eat foods made from or containing  
18 eggs or comminuted meat, or single pieces of meat,  
19 including beef, veal, lamb, pork, fish, and seafood, that  
20 have not been thoroughly cooked as provided in this  
21 section may be served if the consumer specifically orders  
22 that these foods be individually prepared less than  
23 thoroughly cooked.

24 (2) In addition to paragraph (1), a ready-to-eat food  
25 containing a raw or less than thoroughly cooked egg as an  
26 ingredient, including, but not limited to, a salad dressing  
27 or sauce, may be served if the facility notifies the  
28 consumer, either orally or in writing, that the food  
29 contains that ingredient, and the consumer does not  
30 object to the preparation.

31 (d) The department shall authorize alternative time  
32 and temperature minimum heating requirements to  
33 thoroughly cook the food identified in this section when  
34 the food facility or person demonstrates to the  
35 department that the alternative heating requirements  
36 provide an equivalent level of food safety.

37 (e) For purposes of this section, "meat" means the  
38 tissue of animals used as food, including beef, veal, lamb,  
39 pork, and other edible animals, except eggs, fish, and  
40 poultry, that is offered for human consumption.

1 (f) It is the intent of the Legislature that the  
2 requirements of this section be uniformly enforced. The  
3 department shall train and provide guidance to local  
4 health departments to promote uniform enforcement of  
5 the requirements specified in this section.

6 (g) This section shall remain in effect only until  
7 January 1, 2001, and as of that date is repealed, unless a  
8 later enacted statute, that is enacted before January 1,  
9 2001, deletes or extends that date.

10 *SEC. 2. This act is an urgency statute necessary for the*  
11 *immediate preservation of the public peace, health, or*  
12 *safety within the meaning of Article IV of the*  
13 *Constitution and shall go into immediate effect. The facts*  
14 *constituting the necessity are:*

15 *In order to eliminate confusion among restaurateurs*  
16 *and regulators regarding the legal requirements for*  
17 *serving traditional foods, and to remove unnecessary*  
18 *restraints on California's restaurant business, at the*  
19 *earliest possible time, it is necessary that this act take*  
20 *effect immediately.*

